

Notice of Allowability

Application No.

10/673,294

Examiner

Ghassem Alie

Applicant(s)

SHIH, CHAO-TUNG

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/09/04.
2. ☒ The allowed claim(s) is/are 1-5,7-15 and 17-19.
3. ☒ The drawings filed on 09/30/03 (Fig. 1,3)&07/09/04 (Fig. 2,4-9) are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach that the lower seat of the slidable hole punch has an elongated slot and the drill set is located between the upper seat and the lower seat as set forth in claim 1.

Regarding claim 1, Mori (5,463,922) teaches a slidable hole punch including an upper seat having an elongated slide track and a slide member slidable along the slide track. Mori also teaches a lower seat which is in contact with one side of the upper seat and a drill set. Mori also teaches that the drill set includes at least one drill movable within a slot. Mori also teaches that the drill is pressed down when the slide member is slid in contact therewith. However, Mori does not teach that the lower seat has an elongated slot and the drill set is located between the upper seat and the lower seat as set forth in claim 1. The lower seat in Mori has series of holes instead of an elongated slot and the drill set is not located within the upper and lower seats.

While Oh (2003/0126967) teaches a punch device including a lower seat having an elongated slot and a set of drill located within the lower and an upper seat, Oh fails to teach a slide member that presses down the drill when it is slid in contact with the drill. In addition, Oh's lower seat with an elongated slot and a drill set locating between the lower and upper seats are not combinable with Mori's slidable hole punch. Because they are structurally very different and it would have not been obvious to a person of ordinary skill in the art to combine these two different structures together without hindsight from applicant's disclosure.

While Semiler (2,481,883) teaches a punch apparatus including an upper seat, a lower seat having an elongated slot, and a set of drill located between the lower and the upper seat, Semiler's punch apparatus is not combinable with Mori's slidable hole punch. Because they are structurally very different and it would have not been obvious to a person of ordinary skill in the art to combine these two different structures together without major structural changes and hindsight from applicant's disclosure.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Comment

2. In view of amendments to the specification, claims, and the drawings (Figs. 2 and 4-9), the specification objection under 37 CFR 1.71, claims rejections under 35 U.S.C. 112, first and second paragraphs, and the drawing objections are withdrawn.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Neilsen (3,987,695), Fukumoto (6,622,908), LaTourette (4,020,554), Houg (2002/0157517), and Mori (4,594,927) teach a punching machine.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.


The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

October 28, 2004


Allan N. Shoap
Supervisory Patent Examiner
Group 3700